

C. Remarks

The claims are 1, 4, 5, 10 and 12-22, with claims 1 and 22 being independent. Claims 2, 3, 6-9 and 11 have been cancelled. Claims 1, 4, 5, 10, 12, 14 and 18 have been amended to clarify the invention. More specifically, claim 1 has been amended to incorporate the subject matter of cancelled claims 3, 8, 9 and 11, and claims 4, 5, 10, 12, 14 and 18 have been amended to adjust dependency. New claim 22 is directed to making a 30% by weight aqueous neotame solution. All amendments and additions are fully supported by the specification as originally filed, e.g., see page 11, lines 9-11, with regard to new claim 22; Applicants submit that no new matter has been added. Reconsideration of the present claims is respectfully requested.

Claims 1-21 stand rejected under 35 U.S.C. §112, first paragraph. In light of Applicants' amendment of claim 1 to limit the scope of the term "liquid carrier", Applicants submit that the Examiner's concerns have been addressed and that the §112 rejection is moot and should be withdrawn.

Claims 1-21 stand rejected under 35 U.S.C. §102(a) as being anticipated by Schroeder (WO 00/36924). Applicants respectfully traverse this rejection.

In one embodiment, the present invention is directed to a method for preparing a liquid composition of neotame in a liquid carrier in a ratio of up to 3:2, wherein the neotame is fully dissolved or suspended. In the first claimed step, a liquid carrier comprising either (1) water and an alcohol or (2) water and a suspending agent is provided; the suspending agent is necessarily selected from the group consisting of carboxymethyl cellulose, algin, gum arabic, carrageenan, xanthan gum, guar gum, tragacanth, hydroxypropyl methyl cellulose, methylcellulose, pectin, locust bean gum, sodium alginate, propylene glycol alginate, caramel and mixtures thereof. In the second claimed step, neotame is mixed with the liquid carrier in a ratio of up to 3:2.

In another embodiment, the present invention is directed to a method for preparing a 30% by weight neotame in water composition, wherein the neotame is fully dissolved or suspended.

The cited Schroeder reference does not anticipate either embodiment of the presently claimed invention. More specifically, Schroeder does not disclose each and every limitation of the present claims. With regard to claim 1, Schroeder does not disclose mixing neotame in a claimed liquid carrier in a ratio of up to 3:2. With regard to claim 22, Schroeder does not disclose the formation of a 30% by weight neotame in water composition. For at least these reasons, Schroeder fails to anticipate the presently claimed invention.

For at least the same reasons, Schroeder would also fail to render the present invention obvious, as Schroeder does not suggest mixing neotame in a claimed liquid carrier in a ratio of up to 3:2 and Schroeder does not suggest forming a 30% by weight neotame in water composition. The passages relied on by the Examiner do not show otherwise. For example, the passage at page 36, lines 11-23, of Schroeder is irrelevant, as it discloses compositions comprising neotame and alcohols and/or oils; such compositions are not within the scope of the present invention - the liquid carrier must comprise at least water according to any embodiment. In addition, in Example 3 of Schroeder, neotame is dissolved in ethanol to form a first solution and then the first solution is combined with another solution containing water and gum arabic; this is very different from the present invention wherein the liquid composition cannot simply be formed of neotame and ethanol (as it is not a claimed liquid carrier). What is more, Example 4 of Schroeder fails to provide any guidance with respect to the presently claimed ratio range of neotame to liquid carrier, and Examples 7 and 9 of Schroeder contain

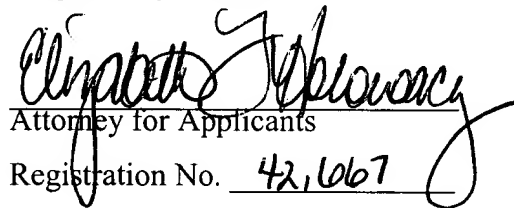
various materials in the liquid carrier which are not within the scope of the present invention.

For all of the above reasons, Schroeder fails to anticipate the present invention; what is more, Schroeder would also fail to render the present invention obvious as it fails to suggest several key features of the present claims. Accordingly, Applicants respectfully request withdrawal of the prior art rejection based upon Schroeder.

In view of the foregoing amendments and remarks, favorable reconsideration and passage to issue of the present case is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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